

REMARKS

In the Office Action, the Examiner rejected claims 137-147 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1 and 3-8 of U.S. Patent No. 6,950,384 to Arai et al.

Although Applicants may disagree with the obviousness-type double patenting rejection of claims 137-147, in an effort to advance prosecution, Applicants file a Terminal Disclaimer with this response. Applicants thus request reconsideration and withdrawal of the obviousness-type double patenting rejection.

The filing of the Terminal Disclaimer does not manifest an admission by Applicants as to the propriety of the double patenting rejection. See M.P.E.P. § 804.02 citing Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). Applicants reserve the right to traverse the double patent rejection at a later date.


In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 7, 2006

By: 
Michael R. Kelly
Reg. No. 33,921

Attachments: Terminal Disclaimer (3 pages)